

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Smith	Team: Squad #14	CCRB Case #: 201800149	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/03/2018 11:00 PM	Location of Incident: § 87(2)(b)	Precinct: 50	18 Mo. SOL 7/3/2019	EO SOL 7/3/2019	
Date/Time CV Reported Sat, 01/06/2018 1:14 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 01/06/2018 1:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Musolino	20814	952041	050 PCT
2. POM Stephen Katsalidas	28724	950663	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Musolino	Abuse: Police Officer Robert Musolino threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Stephen Katsalidas	Abuse: Police Officer Stephen Katsalidas threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Robert Musolino	Abuse: Police Officer Robert Musolino threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM Stephen Katsalidas	Abuse: Police Officer Stephen Katsalidas threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On January 6, 2018, § 87(2)(b) called the CCRB and filed this complaint.

On January 3, 2018, at approximately 11:00 p.m., Police Officer Robert Musolino and Police Officer Stephen Katsalidas, of the 50th Precinct, approached § 87(2)(b) in their police vehicle while § 87(2)(b) was standing in the middle of § 87(2)(b) in the Bronx. PO Musolino and PO Katsalidas allegedly threatened to arrest § 87(2)(b) (Allegations A and B: Abuse of Authority, § 87(2)(g) and allegedly threatened to remove § 87(2)(b) to the hospital (Allegations C and D: Abuse of Authority, § 87(2)(g)). No arrest or summons resulted from this incident.

§ 87(2)(g), § 87(4-b)

There is no video evidence in this case.

Findings and Recommendations

Allegation A - Abuse of Authority: Police Officer Robert Musolino threatened to arrest

§ 87(2)(b)

Allegation B - Abuse of Authority: Police Officer Stephen Katsalidas threatened to arrest

§ 87(2)(b)

Allegation C - Abuse of Authority: Police Officer Robert Musolino threatened to remove

§ 87(2)(b) to the hospital.

Allegation D - Abuse of Authority: Police Officer Stephen Katsalidas threatened to remove

§ 87(2)(b) to the hospital.

§ 87(2)(b) (01 Board Review) said that he was standing in the middle of the street because his neighbors had sprayed ammonia around his house when PO Musolino and PO Katsalidas approached him in an unmarked vehicle. The officers opened their windows and asked § 87(2)(b) how he was doing. § 87(2)(b) told PO Musolino and PO Katsalidas why he was standing in the street, and the officers allegedly told § 87(2)(b) that he would be arrested if he remained in the street. § 87(2)(b) said standing in the street was not an arrestable offense, and PO Musolino and PO Katsalidas allegedly told § 87(2)(b) that they would take him to the hospital if he continued standing in the street. § 87(2)(b) walked away, and the officers left the scene. The entire incident lasted approximately six minutes and the officers never exited their vehicle.

PO Musolino (02 Board Review) said he and PO Katsalidas approached § 87(2)(b) identified via the investigation, because they feared he would be hit by a car standing in the middle of the street. The officers remained in their vehicle, asked § 87(2)(b) why he was standing in the middle of the street, and asked where he lived. § 87(2)(b) said he lived on that block and did not provide an answer for why he was in the street. PO Musolino asked § 87(2)(b) if he needed medical attention, and § 87(2)(b) said he did not. PO Musolino did not recall what prompted him to ask § 87(2)(b) that question. PO Musolino and PO Katsalidas ordered § 87(2)(b) to stay out of the middle of the street and told him that he risked being hit by a car by doing so. The entire incident lasted approximately 60 seconds. PO Musolino denied threatening to arrest § 87(2)(b) and threatening to remove him to the hospital. PO Musolino denied ever hearing PO Katsalidas make either threat.

§ 87(2)(g)

§ 87(2)(b) PO Katsalidas said he asked § 87(2)(b) identified by the investigation, if he was okay upon approaching and that § 87(2)(b) said he was okay. PO Katsalidas and PO

Musolino both spoke to § 87(2)(b) but PO Katsalidas did not recall what statements PO Musolino made to him. The officers left the scene and the interaction lasted approximately three seconds. PO Katsalidas denied ever threatening to arrest § 87(2)(b) and denied ever threatening to remove him to the hospital. He denied hearing PO Musolino make either threat, and said § 87(2)(b) never conducted himself in a manner that would warrant arrest or require removal to the hospital.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to 18 CCRB complaints and has been named as a victim in 10 allegations (07 Board Review).

○ § 87(2)(b)

- § 87(2)(b) [REDACTED]
- PO Musolino has been a member-of-service for six years and has been subject in two CCRB complaints and four allegations, two of which were substantiated.
 - Case 201600021 involved substantiated allegations of frisk and search of a person. The Board recommended formalized training the NYPD concurred.
- PO Katsalidas has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On August 9, 2018, a Notice of Claim request was sent to the NYC Comptroller's Office. That request is still pending and will be added to the casefile upon receipt (08 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: 14

Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date